

REMARKS

The Examiner indicates that the reply filed by Applicants on January 10, 2003 is not fully responsive because it fails to include a complete or accurate record of the substance of the January 6, 2003 interview. In reply, Applicants offer the comments below, which are in addition to those they offered in the Reply filed January 10 and the comments of the Examiner in his Interview Summary mailed January 7, 2003.

Telephonic interview with Examiner Brittain, applicant Dr. Enbody, and applicant's representative

At the January 6 interview, claims 24, 35 and 57 were first discussed. Applicants pointed out that the amended claims would be patentable over the cited art in view of the Examiner's earlier Office Action of September 5, 2002. The Examiner indicated his agreement with this statement, as he confirms in his Interview Summary of January 6.

The bulk of the rest of the interview was taken up by discussion of a proposed amendment to claim 1 and new independent claims 68 and 71. The Examiner acknowledged that the issue was whether the proposed claim language was effective to describe the patentable difference between Applicants' invention and the cited art. Although the Examiner did not commit at the interview that the proposed claims were patentable, he stated his willingness to consider the amendments. Applicants agreed to present amendments to claims 1, 68 and 71 in their response to the Office Action, and to provide the Examiner with a detailed analysis of how the proposed claim language distinguished over the art of record.

Thus, during the interview, amendments such as are offered in the Reply of January 10 were discussed.

CONCLUSION

In light of the above discussion, Applicants respectfully request further and favorable consideration. The Examiner is invited to telephone Applicants' representative at the number below should that be helpful to resolving any issue.

Respectfully submitted,

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